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**FISCAL IMPACT STATEMENT**

**LS 7670**

**BILL NUMBER: SB 482**

**NOTE PREPARED:** Jan 10, 2007

**BILL AMENDED:**

**SUBJECT:** Possession of exotic animals.

**FIRST AUTHOR:** Sen. Sipes

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:**          X          **GENERAL**  
                                X   **DEDICATED**  
  **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill classifies certain animals as "prohibited animals". It provides that a person must have a permit from the Department of Natural Resources (DNR) to possess a prohibited animal. The bill requires that a person who possesses a prohibited animal meet certain conditions. It prohibits a person from acquiring or breeding a prohibited animal after July 1, 2007. The bill establishes a Class A misdemeanor for violations.

**Effective Date:** July 1, 2007.

**Explanation of State Expenditures:** The DNR director may adopt rules regarding the possession of a prohibited animal. The person must notify the DNR immediately if the prohibited animal escapes or if the animal will be moved. The person must provide the DNR with microchip information. The DNR should be able to implement the above provisions given its existing resources.

The DNR director may seize and hold a wild or prohibited animal if the director believes that an emergency exists or if the director believes that the person does not have a permit. The director may contract with experts in the handling of wild or prohibited animals to assist in the seizing and holding of the animal. The owner of a wild or prohibited animal is liable for the costs of seizing and holding the animal and of subsequent proceedings, if any, including a trial.

**Explanation of State Revenues: Permit Fees:** IC 14-8-2-318 provides that a "wild animal" is an animal

whose species usually lives in the wild or is not domesticated. The existing permit fee for wild animals is \$10. The bill classifies certain animals as "prohibited animals" that require a permit to possess. An applicant for a permit to possess a prohibited animal must submit an application including a \$100 fee for each prohibited animal. A permit to possess a prohibited animal expires one year from the date of issuance.

The classification of certain animals as "prohibited animals" will result in additional revenue being generated from permit fees. The increase in revenue generated by the permit fee is indeterminable. Revenues from the fee are deposited in the Fish and Wildlife Fund.

***Class A Misdemeanor:*** If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the judicial salaries fee (\$15), the public defense administration fee (\$3), the court administration fee (\$2), the judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

**Explanation of Local Expenditures:** A person must provide to the local animal control authority microchip information. If the authority processes and retains the microchip information, administrative expenses may increase; however, the overall expense is expected to be minimal.

***Class A Misdemeanor:*** A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** ***Class A Misdemeanor:*** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

**State Agencies Affected:** DNR.

**Local Agencies Affected:** Trial courts, local law enforcement agencies; local animal control authorities.

**Information Sources:**

**Fiscal Analyst:** Bernadette Bartlett, 317-232-9586.